

United States District Court  
for the  
Southern District of New York

PepsiCo, Inc.,

Plaintiff,

v.

Advanced Plastics Technologies  
Luxembourg S. A., Advanced Plastics  
Technologies, Limited, Plastics  
Fabrication Technologies, LLC, Gerald  
Hutchinson and Robert A. Lee,

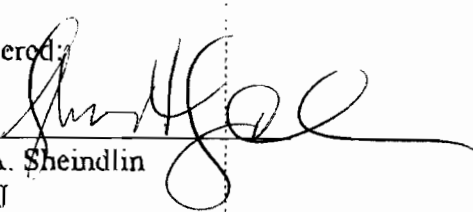
Defendants.

Case 1:10-cv-01368-SAS

[Proposed] Order  
Granting Adjournment of the  
Initial Pretrial Conference

Upon the application of PepsiCo, Inc., (PepsiCo) and for reasons stated in the  
letter of plaintiff's attorney Richard M. Hunter (RH-6128), dated April 13, 2010, the  
Initial Pretrial Conference is adjourned to June 8, 2010 at 4:30 pm

So Ordered:

  
Shira A. Sheindlin  
U.S.D.J.

**LUBOJA & THAU, LLP**

10 EAST FORTIETH STREET  
NEW YORK, NEW YORK 10016

TELEPHONE (212) 779-9800

FACSIMILE (212) 252-0457

April 13, 2010

Hon. Shira A. Schiendlin, USDJ  
Daniel Patrick Moynihan  
United States Courthouse  
Room 1620  
500 Pearl Street  
New York, NY 10007-1312

Re: PepsiCo, Inc. v. Advanced Plastics Technologies, et al  
Case 1:10-cv-01368-SAS  
Initial Pretrial Conference Adjournment Request

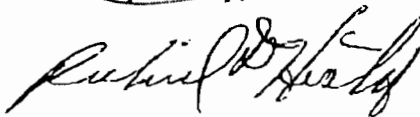
Dear Judge Schiendlin:

The undersigned attorney represents plaintiff, PepsiCo, Inc., (PepsiCo) in the subject matter. This communication is to request adjournment of the Initial Pretrial Conference scheduled for April 15, 2010, pursuant to your order of March 16, 2010 because the plaintiff and defendants named in PepsiCo's complaint intend to pursue mediation of the disputes set forth in the complaint and related disputes among the same parties and an interested individual who is not named as a party.

None of the defendants have yet appeared in the action, although I have been in telephone and e-mail contact with attorneys who represent the defendants and an attorney who represents an individual who has an interest in resolving the disputes, but who is not a defendant. Please note that three of the defendants are not located in the United States of America, and therefore the time to respond to the Notice of a Law Suit and Request to Waive Service of Summons has not yet expired as to these three defendants. The non-US defendants have until April 22, 2010 to respond to the Notice and Request to Waive and until May 24, 2010 to answer or otherwise move. All parties consent to this request to adjourn the Initial Pretrial Conference.

In light of the foregoing, and because attorneys who represent the defendants have expressed their respective intentions to pursue mediation, please an adjournment of the Initial Pretrial Conference is requested until after June 1, 2010.

Respectfully,



Richard M. Hunter  
(RH6128)

[rhunter@lubojaathau.com](mailto:rhunter@lubojaathau.com)

RMH: mpc

Case 1:10-cv-01368-SAS

Initial Pretrial Conference Adjournment Request

April 13, 2010

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CC: Fred Perkins, Esq.

Michael Leight, Esq.

Langdon Jorgensen, Esq